

In the Matter of Amendments to
Wisconsin Supreme Court Internal
Operating Procedures on Rule Petitions

This matter comes before the court on Justice Patience Roggensack's revised proposal to amend the Wisconsin Supreme Court's Internal Operating Procedures for Rule Petitions to include the following steps:

1. Rules petitions shall be filed with the clerk of the supreme court by 5:00 p.m., January 10, in order to be considered by the court the following September at the court's rules conference (see infra paragraph 9), unless expedited review has been granted an emergency petition (see infra paragraph 2). Unless considered as an emergency petition, no rules petition will be considered by the court until its September rulemaking conference.

2. Petitions for rulemaking on an emergency basis shall be filed with the clerk of the supreme court and must be accompanied by: (a) a detailed statement of facts that support expedited proceedings; and (b) a motion for expedited review of the petition. The court will decide on an individualized basis whether to grant the motion for expedited review, depending on the nature of the emergency that caused the filing. If expedited review is granted, the court will establish the

process that will be used for that petition and will post the process on the court's website, indicating that the petition is being considered on an expedited basis.

3. All rules petitions shall be filed by a paper copy accompanied by a disk of the rules petition in Microsoft Word format.

4. All rules petitions will be posted on the court's website under a heading that will indicate they are pending rules petitions.¹

5. All comments on rules petitions shall be filed with the clerk of the supreme court on or before April 30 at 5:00 p.m. Comments shall be filed by a paper copy accompanied by a disk of the comment in PDF format and shall not exceed five pages in length. Comments must be served on the petitioner, and the court shall post them on the court's website.²

6. The petitioner shall have until June 15 at 5:00 p.m. to file a reply to each comment with the clerk of the supreme court. Replies shall not exceed 10 pages in length. Replies shall be posted on the court's website.

7. Each rules petition shall contain the following:

a. A completed cover sheet, using the current cover sheet form;

¹ This is the court's current procedure.

² The court's website should be modified so that comments can be added after each posted rule. When this occurs, it will limit the need for a disk of the comment in PDF format.

- b. A draft of the proposed rule;
- c. The reason for the requested change or the rule's purpose;
- d. A list of all persons and interests, both positive and negative, that may be affected by the rule;
- e. The rules petition shall be no more than 10 pages in length, not including the draft language for the new rule and the rules cover sheet.

8. On or before the following August 1 of each year, staff to the court shall consider each rules petition, together with all comments received, and prepare a memo to the court that includes a recommended disposition for each rules petition.

9. During the second week of the following September of each year, the court shall consider all rules petitions that have not been filed on or before January 10 at 5:00 p.m., not including emergency rules petitions that may have been considered earlier, and determine, with the assistance of staff's recommendations, whether the rules petition should be: (1) denied; (2) sent back to the petitioner with suggestions for revisions; (3) referred to the judicial council; or (4) set for a public hearing before (a) a court commissioner or (b) the full court.

10. All public hearings and subsequent open administrative conferences on rules petitions shall be held before January 15, following the court's September rules conference.

11. Theresa Owens will act as the main staff support for the court in regard to rules petitions, with Julie Rich assisting on no more than 10% of the petitions due to Julie's other responsibilities as a staff attorney.